

STATE OF SOUTH CAROLINA

(Caption of Case)

Waffle House, Inc., Plaintiff

vs.

Palmetto Utilities, Inc., Defendant

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2010 - 79 - S

(Please type or print)

Submitted by: Rivers S. Stilwell

SC Bar Number: 002108

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Greenville SC 29603

Other:

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☒ Other: Motion for Admission Pro Hac Vice and Verified Application of Frederick B. Tyler, Jr.

INDUSTRY (Check one)

NATURE OF ACTION (Check all that apply)

☐ Electric

☐ Affidavit

☐ Letter

☐ Request

☐ Electric/Gas

☐ Agreement

☐ Memorandum

☐ Request for Certification

☐ Electric/Telecommunications

☐ Answer

☐ Motion

☐ Request for Investigation

☐ Electric/Water

☐ Appellate Review

☐ Objection

☐ Resale Agreement

☐ Electric/Water/Telecom.

☐ Application

☐ Petition

☐ Resale Amendment

☐ Electric/Water/Sewer

☐ Brief

☐ Petition for Reconsideration

☐ Reservation Letter

☐ Gas

☐ Certificate

☐ Petition for Rulemaking

☐ Response

☐ Railroad

☐ Comments

☐ Petition for Rule to Show Cause

☐ Response to Discovery

☐ Sewer

☐ Complaint

☐ Petition to Intervene

☐ Return to Petition

☐ Telecommunications

☐ Consent Order

☐ Petition to Intervene Out of Time

☐ Stipulation

☐ Transportation

☐ Discovery

☐ Prefiled Testimony

☐ Subpoena

☐ Water

☐ Exhibit

☐ Promotion

☐ Tariff

☐ Water/Sewer

☐ Expedited Consideration

☐ Proposed Order

☐ Other: _____

☐ Administrative Matter

☐ Interconnection Agreement

☐ Protest

☐ Other: _____

☐ Interconnection Amendment

☐ Publisher's Affidavit

☐ Late-Filed Exhibit

☐ Report

Print Form

Reset Form

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2010-79-S

Waffle House, Incorporated,)	
)	
Complainant/Petitioner,)	
)	
vs.)	<u>MOTION FOR ADMISSION OF COUNSEL</u>
)	<u>PRO HAC VICE</u>
Palmetto Utilities, Incorporated,)	
)	
Defendant/Respondent.)	
)	
_____)	

Waffle House, Incorporated ("WHI" or the "Company") hereby moves the Public Service Commission of South Carolina (the "Commission") to permit Frederick B. Tyler, Jr. to practice *pro hac vice* before the Commission, in the above-captioned matter.

Pursuant to SCACR 404, Mr. Tyler, together with counsel of record is simultaneously filing a copy of the Verified Application for Admission *Pro Hac Vice* with the South Carolina Supreme Court. Attached is the original Verified Application.

WHEREFORE, as the provisions set forth in SCACR 404 have been satisfied, Waffle House, Incorporated requests this motion be granted.

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

By: s/Rivers S. Stilwell

Rivers S. Stilwell

SC Bar No. 02108

E-Mail: rivers.stilwell@nelsonmullins.com

104 South Main Street / Ninth Floor

Post Office Box 10084 (29603-0084)

Greenville, SC 29601

(864) 250-2300

Attorneys for Waffle House, Incorporated

Greenville, South Carolina

March 12, 2010

<u>Waffle House, Inc.</u>	<u>Docket No. 2010-79-S</u>	<u>Public Service Commission</u>
Plaintiff	Case No.	Court
vs.		

Comes now Frederick B. Tyler, Jr., applicant herein, and respectfully represents the following:

2. Applicant is an attorney and a member of the law firm of (or practices law under the name of) Waffle House, Inc., with offices at, at

3. Applicant has been retained personally or as a member of the above named law firm by Waffle House, Inc. to provide legal representation in connection with the above case now pending before the above named court of the State of South Carolina.

4. Since January 12 of 1976, applicant has been, and presently is, a member in good standing of the bar of the highest court of the District of Columbia or the State of Georgia where applicant regularly practices law. Attached is a certificate of good standing.

5. Applicant has been admitted to practice before the following courts: (List all of the following courts applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.)

[illegible]

Applicant is presently a member in good standing of the bars of those courts listed above, except as listed below:
(List any court named in the preceding paragraph that applicant is no longer admitted to practice before.)

State Bar of Alabama - Inactive Status

6. Applicant presently is not subject to any suspension or disbarment proceedings, and has not been formally notified of any complaints pending before a disciplinary agency, except as provided below (give particulars, e.g., jurisdiction, court, date):

None

7. Applicant never has had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked, except as provided below (give particulars, e.g., date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation):

None

8. Applicant never has had any certificate or privilege to appear and practice before any administrative body suspended or revoked, except as provided below (give particulars, e.g., date, administrative body, date of suspension and reinstatement):

None

9. Local counsel of record associated with applicant in this case is Rivers S. Stilwell, of the Nelson Mullins Riley Scarborough, LLP law firm, which has offices at:

104 South Main Street, 9th Floor

Street Address

Greenville

Greenville

SC

29601

County

City

State

Zip Code

864-250-2217

Telephone

If applicable list all other firms/attorneys you are associated with in this matter

None

10. Applicant has previously filed an application to appear *pro hac vice* in the following South Carolina cases (give case name and status of litigation, date of application, local counsel of record in each case, and state whether application is pending or was granted).

None

11. Applicant agrees to comply with the applicable statutes, laws and rules of the State of South Carolina and will familiarize him/herself with and comply with the South Carolina Rules of Professional Conduct. Applicant consents to the jurisdiction of the South Carolina courts and Commission on Lawyer Conduct.

12. Applicant respectfully requests to be admitted to practice in the above named court for this case only.

DATED this 10th day of March, 2010.

Frederick B. Tyler, Jr.
APPLICANT

VERIFICATION

STATE OF GEORGIA)

COUNTY OF WALTON)

I, Frederick B. Tyler, Jr., do hereby swear or affirm under penalty of perjury that I am the applicant in the above styled matter; that I have read the foregoing application and know the contents thereof; and that the contents are true of my own knowledge, except as to those matters stated on information and belief, and that as to those matters I believe them to be true.

Frederick B. Tyler, Jr.
APPLICANT/AFFIANT

Subscribed and sworn to before me this 10th day of March

Anita Dennis



Notary Public for the State of GEORGIA

My Commission Expires: 10/6/2013

LOCAL COUNSEL CONSENT

I hereby consent, as local counsel of record, to the association of applicant in this cause pursuant to Rules Governing Admission *Pro Hac Vice* to the South Carolina Bar.

DATED this 11 day of Mar, 20 10.

R. Shubert
LOCAL COUNSEL OF RECORD

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this application upon the South Carolina Supreme Court by mail addressed to: South Carolina Supreme Court Office of Bar Admissions, PO Box 11330, Columbia, SC 29211, accompanied by payment of the \$250 filing fee payable to the South Carolina Supreme Court on this Mar 11 day of 20 10.

R. Shubert
APPLICANT/AFFIANT



**Supreme Court
State of Georgia**

STATE JUDICIAL BUILDING

Atlanta 30334

CAROL W. HUNSTEIN, CHIEF JUSTICE
GEORGE H. CARLEY, PRESIDING JUSTICE
ROBERT BENHAM
HUGH P. THOMPSON
P. HARRIS HINES
HAROLD D. MELTON
DAVID E. NAHMIAS
JUSTICES

THERESE S. BARNES, CLERK
JEAN RUSKELL, REPORTER

March 5, 2010

I hereby certify that Frederick B. Tyler, Esq., was admitted on the 12th day of January, 1976, as a member of the bar of the Supreme Court of Georgia, the highest court of this State; and, since that date he has been and is now a member of this bar in good standing, as appears from the records and files in this office.

Witness my signature and the seal of this Court
hereto affixed the day and year first above written.

Therese S Barnes, Clerk

CERTIFICATE OF SERVICE

I, the undersigned of the law offices of Nelson Mullins Riley & Scarborough LLP, attorneys for Waffle House, Incorporated, do hereby certify that I have served all counsel in this action with a copy of the pleading(s) hereinbelow specified by mailing a copy of the same by United States Mail, postage prepaid, to the following address(es):

Pleadings:

Motion for Pro Hac Vice for Frederick B. Tyler, Jr.

Counsel Served:

Jeffrey M. Nelson
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201

John M.S. Hoefer
Willoughby & Hoefer, P.A.
Post Office Box 8416
Columbia, SC 29202-8416

s/ Rivers S. Stilwell

March 12, 2010